

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JOSE ZAVALA, #17192078

§

VS.

§

CIVIL ACTION NO. 6:13cv531

CRIM. NO. 6:10cr00021-2

UNITED STATES OF AMERICA

§

ORDER OF DISMISSAL

Petitioner Jose Zavala, an inmate confined in federal prison, proceeding *pro se*, filed the above-styled and numbered Motion to Vacate his federal sentence pursuant to 28 U.S.C. § 2255 (docket entry #1). The motion was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the motion to vacate should be denied and dismissed with prejudice as time-barred. Further, the Magistrate Judge recommended that a certificate of appealability should be denied. She also recommended that Petitioner's Motion to Develop Facts (docket entry #2) be denied inasmuch as Petitioner has not identified what it is he wishes to develop. No objections having been filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is therefore

ORDERED that the Petitioner's Motion to Vacate (docket entry #1) pursuant to 28 U.S.C. § 2255 is **DENIED** and **DISMISSED WITH PREJUDICE**. It is further

ORDERED that the Petitioner's Motion to Develop Facts (docket entry #2) is **DENIED**. It is further

ORDERED that a certificate of appealability is hereby **DENIED**. It is finally

ORDERED that any motion not already ruled upon is hereby **DENIED**.

So ORDERED and SIGNED this 10th day of January, 2014.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE